

IN THE UNITED STATE DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

X

Juan Sejas :  
:  
Plaintiff, :  
: Civil Action No. 22-CV-9358 (JPO)  
- v. - :  
UNITED STATES ATTORNEY'S OFFICE :  
86 Chambers St. New York, NY 10007 :  
Defendant. :  
X

**COMPLAINT AND REQUEST FOR SUMMARY JUDGMENT**

Juan Sejas (“Plaintiff”) brings this action against Defendant U.S. Department of Justice (“Defendant”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Juan Sejas is member of many organizations that defend the Human Rights and

promote education. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. Plaintiff analyzes the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of Justice is an agency of the United States Government.

Defendant has possession, custody, and control of records to which Plaintiff seeks access.

Defendant is headquartered at Room 115 LOC Building, Washington, DC 20530- 0001.

#### **STATEMENT OF FACTS**

5. On September 13 ,2022 Plaintiff submitted a FOIA request to Defendant by regular mail

6.- On March 2<sup>nd</sup>, 2023 Plaintiff submitted a FAOI request by certified mail, also a copy was sent it by email to [MRUFOIA.Requests@usdoj.gov](mailto:MRUFOIA.Requests@usdoj.gov). Also, Plaintiff was trying to contact FAOI by phone to 301-583-7354 but is only an answering machine. Plaintiff is seeking copies of:

a) The File of Hight government officials “Rene Sanabria-Oropeza” when he pled guilty to drug trafficking charges stemming from his attempt to import over 100 kilograms of cocaine into the U.S. At the time of his arrest in February 2011, was the Director of the Narcotics Intelligence Unit within the Ministry of Government and also head of the Bolivian National Police anti-narcotics unit, known as FELCN. (*United States v. Sanabria-Oropeza (1:10-cr-20886)*)

b) The File of Hight government officials Maximiliano Davila-Perez a/k/a “Macho” person who has an Indictment in the Southern District of New York. (S9 19 Cr. 91 (DLC). (*United States v. Maximiliano Davila-Perez (1:19-cr-00091-DLC)*)

c) The File of Former Bolivian Minister of Government Sentenced in Florida for bribery conspiracy Arturo Carlos Murillo. (*United States v. Arturo Carlos Murillo (21-cr-60340)*).

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6. The time frame for the requested records, as stated in the FOIA request, in September 13, 2022 unfortunately was not done properly, for the inexperience, and a new request was sent by email and certified mail on march 2<sup>nd</sup>,2023.

8. Plaintiff's respectfully request to the court to keep the claim open, because the documents requested will provide substantial evidence of the allegation on the claim.

9. Plaintiff request a Summary judgment after review the documents requested to FOIA.

10. Plaintiff request to compel production pursuant to FOIA, an agency is entitled to summary judgment "if no material facts are in dispute and if it demonstrates 'that each document that falls within the class requested either has been produced . . . or is wholly exempt from the Act's inspection requirements.'" *Students Against Genocide v. U.S. Dep't of State*, 257 F.3d 828, 833 (D.C. Cir. 2001) .

10. Summary judgment should be granted pursuant to Fed.R.Civ.P. 56 only if no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S.Ct. 2548 (1986).

11. *FOIA Standards*

The D.C. Circuit has described the overall purpose and framework of the FOIA as follows:

The Freedom of Information Act was conceived in an effort to permit access by the citizenry to most forms of government records.

In essence, the Act provides that all documents are available to the

public unless specifically exempted by the Act itself. This court has repeatedly stated that these exemptions from disclosure must be construed narrowly, in such a way as to provide maximum access consonant with the overall purpose of the Act.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all nonexempt records responsive to Plaintiff's FOIA request and a Vaughn index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request.

Dated: March 14,2023

Respectfully submitted



Juan Sejas

Plaintiff